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RUEHBY/AMEMBASSY CANBERRA 0701
RUEHNE/AMEMBASSY NEW DELHI 4238
RUEHUL/AMEMBASSY SEOUL 7792
RUEHKO/AMEMBASSY TOKYO 5352
RUEHCHI/AMCONSUL CHIANG MAI 1216
RHHMUNA/CDR USPACOM HONOLULU HI
RUCNDT/USMISSION USUN NEW YORK 1136
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C O N F I D E N T I A L SECTION 01 OF 04 RANGOON 001111

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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [BM](#)
SUBJECT: PINHEIRO RETURNS TO BURMA

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Classified By: P/E Chief Leslie Hayden for Reasons 1.4 (b) & (d)

¶1. (C) Summary: Pinheiro told the dip corps that cooperation he had received from the GOB had been positive. He had been given access to everyone he asked to see and taken to all the places he requested to visit. He noted, however, that his trip was not a "fact finding" mission because he had neither the time or access to make it so. The most difficult part of his mission will be developing reliable, credible estimates of those detained, wounded, and killed. He reported he had not been permitted access to individual prisoners at Insein, but that the regime had promised he would be able to meet with detainees before he departed Burma. He has requested meetings with ASSK, U Win Tin, Min Ko Naing, and Ko Ko Gyi, among others. Pinheiro lobbied hard for ICRC to regain their former access and expressed hope there would be some positive movement on this issue soon. Pinheiro expects to be invited back to Burma again and stressed he and Gambari had two separate but complimentary agendas. Unaware of Su Su Nwe's November 13 arrest, Pinheiro promised he would take the issue up with the regime immediately. During a brief pull-aside afterwards, Pinheiro said his remarks had been intended to send a message to the regime that they control the outcome of his visit, and described his experience as "surreal." End summary.

A Positive Start

¶2. (SBU) Special Rapporteur for Human Rights Paulo Pinheiro briefed the diplomatic community at a regime-organized meeting in Nay Pyi Taw on November 14. TV cameras filmed and Foreign Ministry officials were present throughout the meeting. Before opening the floor to questions, Pinheiro told diplomats that he came to Burma specifically to address questions relating to the implementation of the Human Rights Council's latest resolution on Burma, specifically the release of political prisoners and the conditions under which they are being held. Pinheiro informed us he would present his final report to the Council on December 11. His report

would focus on the current political crisis; its origins and context; the government's response; its repercussions and consequences; and provide recommendations.

13. (SBU) Pinheiro considered the invitation for him to visit Burma after four years a good sign and noted that the regime had allowed him to see everyone he requested. GOB officials also took him to the places he requested to visit including Yangon General Hospital, a crematorium, various monasteries, police stations, and detention centers. Pinheiro also requested the government provide him records of the injured, the detained, and those released. He expressed hope the GOB would provide the records to him. He noted that he had an open and productive meeting with the commander of the police in Rangoon and the head of the Yangon Peace and Development Council. Although he had been allowed to visit Insein prison, he had not yet been allowed to visit detainees. He continued that the regime had said he would be permitted to visit detainees at Insein Prison on November 15 before he departed Rangoon. Pinheiro had also asked to meet with Aung San Suu Kyi and U Win Tin (a 77-year-old journalist imprisoned for more than 18 years), but had not yet received a response to those requests.

Not a Fact-Finding Mission

14. (SBU) Pinheiro credited the government for working hard to meet his demands, and stressed that his visit was not a fact-finding mission. The conditions were not conducive for such a visit, he explained, as there were too many limitations on his time. He had met with the Ministers of Planning, Foreign Affairs, Labor, and Religious Affairs. His separate meeting with the Minister of Home Affairs had lasted three hours and was positive. Pinheiro described his visit as timely because ASEAN would sign a charter at the upcoming

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ASEAN Summit that included a human rights component. His government interlocutors told him that Burma would sign the charter, which Pinheiro would acknowledge in his report to the Council.

No Psycho-Analysis Please

15. (SBU) Pinheiro singled out Burma's reconvening its Human Rights Committee, headed by Minister of Home Affairs Maung Oo, as a sign of progress. He stated that he favored any such body, whatever the circumstances, established by any country. The committee offered an opportunity to engage with the Burmese on Human Rights, and could play a beneficial role in a future political transition. When asked if it was appropriate for the Home Affairs Minister to chair the Committee, since the police forces under his control were continuing to arrest pro-democracy activists, Pinheiro cautioned the diplomats against psycho-analyzing the regime's motivations. Instead, he recommended taking the Committee at face value and encouraging the members to move full speed ahead. He further requested diplomats not to express too much skepticism back to their capitals. "If the Human Rights Committee does not fulfill its mandate, I will be the first to report it," Pinheiro stated.

16. (SBU) Australian Ambassador Davis expressed concern that many of the monasteries Pinheiro had visited had been emptied by the regime and filled with impostor monks before his visits. Pinheiro responded that he had not had the opportunity to meet with monks individually and was aware of these allegations. He emphasized again that his visit was not a fact-finding mission, but that such a visit could be conducted at a later time. Davis added that he remained concerned about the numbers of prisoners being processed through special courts inside the prisons, without due

process, and sentenced to long prison terms. Pinheiro took note of his concerns.

Bad Etiquette

¶17. (C) Pol/econ chief inquired about the November 13 arrest of labor and human rights activist Su Su Nwe to which Pinheiro and most of the dip corps expressed surprise. Pinheiro replied that such a move during his visit would be "very bad etiquette," and that he would immediately raise Su Su Nwe's arrest with the regime. We subsequently heard from the ILO rep that the Chinese, who only learned of the arrest during the Pinheiro meeting, met with the regime after Pinheiro's briefing to lobby for her release. The ILO told us they were "furious" the regime had again arrested Su Su Nwe on the eve of the ILO Governing Board meeting in Geneva.

¶18. (SBU) Responding to a question from the EU representative regarding ICRC, Pinheiro said he had lobbied the Home Affairs Minister for renewed access for the organization. He explained to the Minister that the ICRC's methodology of neutrality and confidentiality was in the regime's interest and that many nations had benefited from the ICRC's activities. Pinheiro expressed confidence there would be positive movement on the ICRC issue soon.

¶19. (SBU) When asked whether his report would be consistent with Special Envoy Gambari's, Pinheiro emphasized that he and Gambari had different but complementary missions. Pinheiro's report would address only human rights issues and would not delve into Burma's political transition or relations between the regime and the pro-democracy activists.

¶10. (SBU) The Australian Ambassador informed Pinheiro that, contrary to what Gambari had reported to them, there was still a high level of military deployment in Rangoon, it was just less visible. When the UK representative asked if Pinheiro had been able to determine the number of protesters and detainees that had been killed, Pinheiro replied that

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during his visits to both Yangon General Hospital and the crematorium, officials at both sites claimed 14 people had died and were subsequently cremated. Pinheiro added that he had asked the government to allow both facilities to release their records to him and awaited a response. Pinheiro emphasized that developing reliable, credible estimates of missing, dead, and detained would be the most difficult part of his mission, but he expected to include such estimates in his report.

¶11. (SBU) Pinheiro also said he had raised attacks by regime-sponsored vigilante organizations on human rights and pro-democracy activists, and had specifically raised the arrest and beatings of members of Human Rights Defenders and Promoters. He told the regime that such actions were unacceptable.

No Finger-Pointing

¶12. (SBU) Pinheiro explained that he did not want to finger-point or accuse the regime, but insisted in all of his meetings that direct knowledge of the September events and the resulting abuses was needed to help the Burmese authorities account to its citizens. It was a simple principle, and after the accounting, life would continue, he stressed. Pinheiro expected he would be invited back by the regime for follow-up visits and noted it was progress in itself that they had let him visit Burma after four years of refusing him entry. He considered face-to-face meetings with the regime important.

¶13. (SBU) Because Pinheiro believed in full transparency, he intended to report both the positive and the negative. In his view, crises were often opportunities and he believed this to be the case for Burma right now. He hoped that neither the Burmese government nor the international community would lose this opportunity, and urged the diplomats to recognize small progress such as his and Gambari's visits, as well as the appointment of Aung Kyi. He closed by stating that he preferred private meetings with diplomats, organized by the UN Country Team, and said he would try to have such a meeting during his next visit.

"Surreal"

¶14. (C) In a short pull-aside after the meeting, Pinheiro said his remarks had been meant to send a message to the regime that they control the outcome of his visit. He noted he had requested to meet with Min Ko Naing and Ko Ko Gyi at Insein prison, but that other meetings we had recommended to him would be impossible this visit. He described his experience in Nay Pyi Taw as "surreal." Pinheiro's assistant also said that their communications had been restricted during the visit.

¶15. (C) Most of the assembled diplomats viewed Pinheiro's briefing as positive. Many, however, also considered that the control the regime exerted over his schedule was a negative and questioned Pinheiro's ability to make an accurate assessment under such restrictions. Australian Ambassador Davis told us he had information that over 1000 detainees from September were now in the process of being sentenced in secret prison courts, including thirty-eight activists recently sentenced to 20 plus years.

¶16. (C) Davis also claimed to have seen a document outlining a step-by-step plan by the regime to take minor steps to cooperate with the international community and appear to begin a dialogue with ASSK. Davis said the document also asserted the regime would return to their normal restrictive conditions once international pressure and attention had subsided. Russian First Secretary Nikolay Barbanov tried to argue that the regime was taking positive steps such as drafting their constitution and moving toward a referendum

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and elections. However, he acknowledged the regime would have to deliver something when P/E chief countered that the regime would have to make compromises or lose all credibility.

Comment

¶17. (C) Pinheiro's message to the regime was clear: the power to change rests with them, and he would give an honest and transparent assessment of his trip. Pinheiro's reports to date have been honest and authoritative, giving him credibility. Unlike Gambari, he is not interested in burnishing his reputation by only highlighting the positive. He takes seriously his role reporting the true state of human rights in Burma, regardless of the wishes of Than Shwe. End summary.
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